

216058

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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MICHAEL J. BARRON, JR.

(312) 252-1511

mbarron@fletcher-sippel.com

March 21, 2006

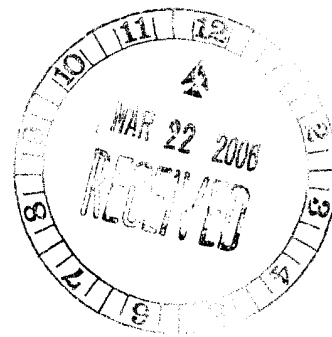
## Via Overnight Delivery

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**FEE RECEIVED**

MAR 22 2006

SURFACE  
TRANSPORTATION BOARD



Re: Docket No. AB-43 (Sub-No. 178X), Illinois Central Railroad Company—  
Abandonment Exemption — in Madison County, Mississippi

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Illinois Central Railroad Company dated March 21, 2006 pursuant to 49 C.F.R. § 1152.50. A check in the amount of \$3,000.00, representing the appropriate fee for this filing, also is enclosed.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return them to me in the enclosed envelope.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Respectfully submitted,

Michael J. Barron, Jr.  
Attorney for Illinois Central  
Railroad Company

**FILED**

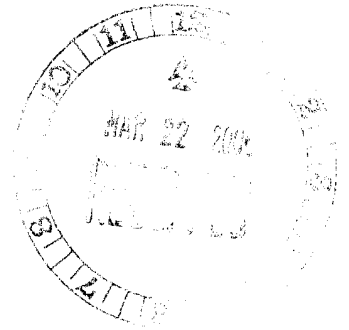
MAR 22 2005

SURFACE  
TRANSPORTATION BOARD

Encls.

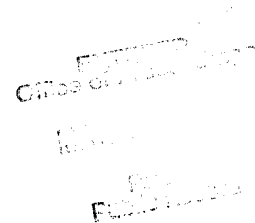
BEFORE THE  
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-43 (SUB-NO. 178X)



ILLINOIS CENTRAL RAILROAD COMPANY —  
ABANDONMENT EXEMPTION — IN MADISON COUNTY, MISSISSIPPI

VERIFIED NOTICE OF EXEMPTION OF  
ILLINOIS CENTRAL RAILROAD COMPANY PURSUANT TO  
49 C.F.R. § 1152.50



**FILED**  
MAR 22 2006  
SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**  
MAR 22 2006  
SURFACE  
TRANSPORTATION BOARD

Michael J. Barron, Jr.  
FLETCHER & SIPPEL LLC  
29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832  
(312) 252-1500

ATTORNEY FOR  
ILLINOIS CENTRAL RAILROAD COMPANY

Dated: March 21, 2006

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-43 (SUB-NO. 178X)

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ILLINOIS CENTRAL RAILROAD COMPANY —  
ABANDONMENT EXEMPTION — IN MADISON COUNTY, MISSISSIPPI

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**VERIFIED NOTICE OF EXEMPTION OF  
ILLINOIS CENTRAL RAILROAD COMPANY PURSUANT TO  
49 C.F.R. § 1152.50**

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Illinois Central Railroad Company ("IC") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad that comes off IC's Grenada Sub at milepost 705.2 and traverses eastward approximately 12,300 feet to the end of track in Canton, Madison County, Mississippi (the "Canton Line").

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), IC submits the following information:

**General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)**

IC is a Class I common carrier by rail which owns and operates approximately 2,550 miles of rail line in six Midwestern and south central states. IC is a wholly-owned subsidiary of Canadian National Railway Company. The complete name and address of IC is:

Illinois Central Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430

**Relief Sought: 49 C.F.R. § 1152.22(a)(3)**

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, IC intends to abandon its line of railroad that comes off IC's Grenada

Sub at milepost 705.2 and traverses eastward approximately 12,300 feet to the end of track in Canton, Mississippi.

**Map: 49 C.F.R. § 1152(a)(4)**

A map of the Canton Line is attached hereto as Exhibit A.

**IC's Representative: 49 C.F.R. § 1152.22(a)(7)**

IC's representative to whom correspondence regarding this abandonment should be sent is:

Michael J. Barron, Jr.  
FLETCHER & SIPPEL LLC  
29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832  
(312) 252-1500

**ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)**

The Canton Line traverses United States Postal Service ZIP Code 39046.

**Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)**

Per the certificate and verification attached hereto as Exhibit B, IC certifies that no local revenue traffic has moved over the Canton Line for at least the last two years, there is no overhead traffic on the Canton Line that would have to be rerouted over other lines (indeed the line sub ends at its eastern point), and no formal complaint filed by a user of rail service on the Canton Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

**Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

IC will not consummate the proposed abandonment any earlier than May 15, 2006.

**Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)**

The Canton Line may be suitable for use as a trail. IC does not believe that the right-of-way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use as the Canton Line travels through an already-developed area.

**Labor Protection: 49 C.F.R. 1152.50(d)(2)**

The level of labor protection applicable in rail line abandonments is that established in *Oregon Short Line Co. — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

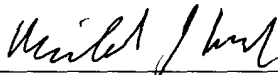
**Certificate of Compliance with Notice Requirements:**  
**49 C.F.R. § 1152.50(d)(2)**

A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

**Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8**

An Environmental Report and Historic Report, prepared pursuant to C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding. Since serving those reports, IC has received acknowledgement of receipt from the Corps of Engineers, the State Clearinghouse, and the Mississippi Department of Wildlife, Fisheries and Parks, but IC has received no substantive response.

Respectfully submitted,

By   
Michael J. Barron, Jr.  
FLETCHER & SIPPEL LLC  
29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832  
(312) 252-1500

Dated: March 21, 2006

ATTORNEY FOR ILLINOIS CENTRAL  
RAILROAD COMPANY



DOCKET NO. AB-43 (SUB-NO. 178X)

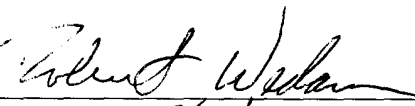
ILLINOIS CENTRAL RAILROAD COMPANY — ABANDONMENT EXEMPTION —  
IN MADISON COUNTY, MISSISSIPPI

CERTIFICATE AND VERIFICATION

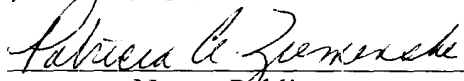
STATE OF ILLINOIS       )  
                                  ) ss  
COUNTY OF COOK       )

I, Robert M. Wedam, Senior Manager Network Strategies for the Illinois Central Railroad Company ("IC"), being duly sworn, deposes and says:

1. That no local traffic has moved over the line starting at a point of switch off IC's Grenada Sub at milepost 705.2 and traversing eastward 12,300 feet to the end of track in Canton, Madison County, Mississippi, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. I have read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

  
Date: 3/17/06

Subscribed and sworn to  
before me this 17 day of  
March, 2006.

  
Notary Public

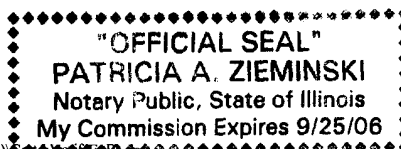


EXHIBIT B

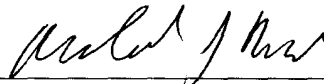
## CERTIFICATE

I, Michael J. Barron, Jr., an attorney for Illinois Central Railroad Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-43 (Sub-No. 178X), Illinois Central Railroad Company — Abandonment Exemption — in Madison County, Mississippi:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On March 9, 2006, written notice was mailed to the: (a) United States Department of Defense, MTMCTEA, Attn: Railroads for National Defense; (b) Chief of the Forest Service, U.S. Department of Agriculture; (c) Center for Recreation and Conservation, National Park Service; and (d) Mississippi Department of Transportation (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On February 27, 2006, the Environmental Report and Historic Report for this proceeding, which reports have also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the State Clearinghouse and State Historic Preservation Officer as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on November 3, 2005, in the Madison County Journal, a newspaper of general circulation in Madison County, Mississippi. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and proof of publication are attached to this certificate as Attachment 7.



Michael J. Barron, Jr.

Dated: March 21, 2006

EXHIBIT C

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

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Fax: (312) 252-2400  
www.fletcher-sippel.com

March 9, 2006

United States Department of Defense  
MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574


Re: Docket No. AB-43 (Sub-No. 178X), Illinois Central Railroad Company  
Notice of Exemption in Madison County, Mississippi

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon an approximately 12,300 foot line of railroad that comes off its Grenada Sub at milepost 705.2 and travels eastward through Canton, Mississippi to where the track ends just east of Canton in Madison County, Mississippi. Such line runs through U.S. Postal Zip Code 39046.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

  
Michael J. Barron, Jr.  
Attorney

ATTACHMENT 1

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

March 9, 2006

Mr. Dale Bosworth  
Chief, Forest Service  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250


Re: Docket No. AB-43 (Sub-No. 178X), Illinois Central Railroad Company  
Notice of Exemption in Madison County, Mississippi

Dear Mr. Bosworth:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon an approximately 12,300 foot line of railroad that comes off its Grenada Sub at milepost 705.2 and travels eastward through Canton, Mississippi to where the track ends just east of Canton in Madison County, Mississippi. Such line runs through U.S. Postal Zip Code 39046.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

  
Michael J. Barron, Jr.  
Attorney

ATTACHMENT 2

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

March 9, 2006

Mr. Thomas Ross  
Division Chief  
National Center for Recreation and Conservation  
National Park Service  
1849 C. Street, N.W.  
Org. Code 2220  
Washington, D.C. 20420


Re: Docket No. AB-43 (Sub-No. 178X), Illinois Central Railroad Company  
Notice of Exemption in Madison County, Mississippi

Dear Mr. Ross:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon an approximately 12,300 foot line of railroad that comes off its Grenada Sub at milepost 705.2 and travels eastward through Canton, Mississippi to where the track ends just east of Canton in Madison County, Mississippi. Such line runs through U.S. Postal Zip Code 39046.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

  
Michael J. Barron, Jr.  
Attorney

ATTACHMENT 3

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

March 9, 2006

Mr. William R. Balentine  
Director, Office of Internodal Planning  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, MS 39115-1850


Re: Docket No. AB-43 (Sub-No. 178X), Illinois Central Railroad Company  
Notice of Exemption in Madison County, Mississippi

Dear Mr. Balentine:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Illinois Central Railroad Company shall on or after March 20, 2006, file a Notice of Exemption with the Surface Transportation Board for approval to abandon an approximately 12,300 foot line of railroad that comes off its Grenada Sub at milepost 705.2 and travels eastward through Canton, Mississippi to where the track ends just east of Canton in Madison County, Mississippi. Such line runs through U.S. Postal Zip Code 39046.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

  
Michael J. Barron, Jr.  
Attorney

ATTACHMENT 4

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

February 27, 2006

**Re: Illinois Central Railroad Company Notice of Exemption for Abandonment—Madison County, Mississippi—Docket AB-43 (Sub-No. 178X)**

To Whom It May Concern:

Any time on or after March 20, 2006, Illinois Central Railroad Company ("IC") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line that comes off the Grenada Sub at milepost 705.2 and travels eastward, a distance of approximately 12,300 feet, in Canton, Madison County, Mississippi. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 1925 K Street, N.W., Washington, D.C. 20423-0001, (202) 565-1545, and refer to the above docket number.

IC will file the Environmental Report and Historic Report with the STB on or about February 27, 2006. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1511 or by mail at the above address.

Sincerely,



Michael J. Barron, Jr.  
Attorney for Illinois Central Railroad Company

Encls.

ATTACHMENT 5

13

Mr. William R. Balentine  
Director, Office of Intermodal Planning  
Mississippi Department of Transportation  
P.O. Box 1850  
Jackson, MS 39115-1850

Mr. Homer L. Wilkes  
State Conservationist  
USDA Natural Resources Conservation Service  
100 West Capitol Street, Room 1321  
Jackson, MS 39269

Mr. Jerry Brashier  
Director of Wetland Permitting  
Mississippi Coastal Program  
Mississippi Dept of Marine Resources  
1141 Bayview Avenue, Suite 101  
Biloxi, MS 39530

Mr. Heinz Mueller  
NEPA Program Office  
U.S. Environmental Protection Agency  
61 Forsyth Street.  
Atlanta, GA 30303

Mr. Christopher A. Alonzo  
Director, Environmental Programs  
Mississippi Dept. of Wildlife,  
Fisheries and Parks  
1505 Eastover Drive  
Jackson, MS 39211-6322

Ms. Kathy W. Lunceford  
Environmental Coordinator  
U.S. Fish & Wildlife Service  
6578 Dogwood view Parkway, Suite A.  
Jackson, MS 39213

Ms. Cynthia Rickis-Gordon  
Environmental Biologist  
Mississippi Natural Heritage Program  
Mississippi Museum of Natural Science  
2148 Riverside Drive  
Jackson, MS 39202-1353

Mr. Jerry Banks  
Mississippi Dept. of Environmental Quality  
P.O. Box 20305  
Jackson, MS 39289-1305

Ms. Elizabeth S. Guynes  
Chief, Regulatory Branch  
U.S. Army Corp of Engineers  
Vicksburg District, Operations Division  
4155 Clay Street  
Vicksburg, MS 39280-3435

Mayor Fred Esco  
Mayor of Canton  
226 Peace Street  
Canton, MS 39046

Mr. Thomas H. Waggener  
Review and Compliance Officer  
Mississippi Dept. of Archives and History  
Historic Preservation Division  
P.O. Box 571  
Jackson, MS 39205-0571

Mr. Edward J. McKay  
Chief Spatial Reference System Division  
National Geodetic Survey  
Nat'l Oceanic and Atmospheric Administration  
1315 East West Highway, Room 8813  
Silver Spring, MD 20910-3282

D. Thomas Ross  
Assistant Director, Recreation and Conservation  
National Park Service  
Department of Interior  
1849 C Street, NW  
Org. Code 2220  
Washington, DC 20240

Ms. Deb Biggers, Director  
501 N. West Street, Suite 1301E  
Mississippi Dept. of Finance and Administration  
Office of Budget and Fund Management  
Jackson, MS 39201

Ms. Lisa Ouzts  
Legal Division  
Mississippi Dept. of Environmental Quality  
P.O. Box 20305  
Jackson, MS 39289-1305

ILLINOIS CENTRAL RAILROAD COMPANY gives notice that on or after November 25, 2005 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments, permitting the abandonment of a line of railroad that comes off the Grenada Sub at milepost 705.2 and traverses eastward approximately 12,300 feet to the end of track in Canton, Madison County, Mississippi, which line traverses through U.S. Postal Zip Code 39046. The proceeding will be docketed as AB-43 (Sub-No. 178X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423 or by calling that office at (202) 565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative. [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Commission's Office of Congressional and Public Services at (202) 565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Michael J. Barron, Jr., (312) 252-1511; at Fletcher & Sippel, 29 N. Wacker Drive, Suite 920, Chicago, IL 60606-2832.

# **PROOF OF PUBLICATION** **THE STATE OF MISSISSIPPI** **MADISON COUNTY**

PERSONALLY appeared before me, the undersigned notary public in and for Madison County, Mississippi, James E. Prince III, Editor and Publisher of the MADISON COUNTY JOURNAL, a weekly newspaper of general circulation in Madison County, Mississippi as defined and prescribed in Section 13-3-31, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is attached hereto was published in the issues of said newspaper as follows:

Date 11-3-05, 2005  
Vol. 24 No. 49

Date \_\_\_\_\_, 2005  
Vol. \_\_\_\_\_ No. \_\_\_\_\_

Date \_\_\_\_\_, 2005  
Vol. \_\_\_\_\_ No. \_\_\_\_\_

Date \_\_\_\_\_, 2005  
Vol. \_\_\_\_\_ No. \_\_\_\_\_

Signed: \_\_\_\_\_  
Editor and Publisher of the  
MADISON COUNTY JOURNAL

SWORN TO AND SUBSCRIBED before me the 21<sup>st</sup> day of November 2005.

Mercia Gay Flint  
NOTARY PUBLIC

